

A regular meeting of the Redmond City Council was called to order by Mayor Rosemarie Ives at 8:05 p.m. in the Council Chambers. Council members present were: Cole, Marchione, McCormick, Paine, Resha, Robinson, and Vache

ANNOUNCEMENTS

The Mayor announced that following the regular meeting the Council would go into Executive Session to discuss land acquisition for approximately 45 minutes.

INTRODUCTION

Ken Wong, Parks and Recreation Department, introduced members of the Redmond Youth Partnership Advisory Committee Executive Board: Casey Pape, Josh McQueen, Sojung Yi, Torrey Crell, Emma Ketterl and Izzy Shedden.

INTRODUCTION

Lori Brown, Human Resources Department, introduced Jan Nakamura-Young, Compensation Analyst.

PROCLAMATION

The Mayor read a Proclamation declaring May 15-21, 2005 National Public Works Week in the City of Redmond, and presented the Proclamation to Steve Gibbs, Public Works Engineer.

WASHINGTON RECREATION AND PARKS ASSOCIATION AWARDS

Tom Trueblood, Parks and Recreation Department, announced the city's receipt of the following awards:

- Facility Merit Award for Perrigo Park
- Programming Merit Awards for "RedmondLights"
- Media Merit Award for "Derby Days Vendor Application and Sponsorship Packet"
- Spotlight Award for Derby Days 2004 poster
- Tree City USA Award from the Washington State Department of Natural Resources

ITEMS FROM THE AUDIENCE

Dayle (Hank) Margeson, 16135 NE 112 Street, speaking on behalf of the Education Hill Citizens' Advisory Committee, thanked the City Council for its decision in favor of the 160 Avenue NE Extension.

Jack Bittner, 13708 NE 70 Place, speaking on behalf of the Grass Lawn Neighborhood Association, listed the following objections to the sale and pending

development of the Verizon property on the north end of Grass Lawn Park:

- Destruction of vital wetland
- Amount of traffic generated by the project
- Preservation of character of the park and the neighborhood

Roberta Lewandowski, Planning Director, stated that public comments should focus on the need to preserve a natural feature in the park, not on the proposed development.

Mike Fleming, 14504 NE 66 Court, urged the Council to consider how preservation benefits the citizens and contributes to beautification of the city through preservation of the treed area, including a path through the wetland.

Tim Attebery, 335 116 Avenue NE, Bellevue 98004, representing the Master Builder's Association of King and Snohomish Counties, requested that the Council involve stakeholders in discussions regarding the Development Review User Fee Study.

The following members of the public spoke in opposition to the extension of 160 Avenue NE due to potential traffic congestion, impacts to wetland, quality of life, cut-through traffic, cost and decline in property values:

- Ginger Alonzo, 15988 NE 95 Way
- Mark Traversers, 15908 NE 93 Way
- David Rossiter, 15719 NE 95 Way
- Kassidy Gerber, 16010 NE 93 Way
- Sherry Krivosheer, 16150 NE 93 Way
- Gerri Tyler, 15634 NE 95 Way
- Dennis M. Dennis, 15735 NE 95 Way
- David Carpenter, 15988 NE 95 Way, submitted petitions from Rivertrail residents, and proposed an option for Council's consideration:
 - o Widen NE 90 Street from Willows Road to the NE 90 Street Bridge
 - o Extend 154 Avenue NE to NE 85 Street to shift traffic from Redmond-Woodinville Road
 - o Create major north-south corridor for the west side of Redmond
 - o Improve travel time from North Redmond to downtown
 - o Provide future north-south connection to Woodinville
 - o Establish use for Burlington Northern/Santa Fe Railroad right-of-way
- Terrie Paine, 15915 NE 95 Way

- Julianne Rossiter, 15719 NE 95 Way
o City Attorney and staff appeal process for project
- Jitu Padhye, 15658 NE 95 Way
- Tanika Kumar, 15658 NE 95 Way
- Orion Hudson, 16151 NE 93 Way
- Dean Tyler, 15634 NE 95 Way
- Khushru Irani, 159 Place NE

After listening to the comments in opposition to the 160 Avenue NE Extension, Councilmember Paine stated that times have changed since the Council first supported the extension and requested that staff bring back a report to the next Council meeting responding to the concerns expressed tonight, including traffic impacts, noise, mitigation, cost, public safety, and comparisons to other project priorities.

Councilmember McCormick suggested that in order to allow staff adequate time to prepare a response that the Council put off further discussion to the next study session on the Transportation Master Plan.

Carl Klapp, 18631 NE 106 Street, Redmond 98052, urged the Council to approve his request for sewer service outside the city limits. He explained that he is proposing to build a house on property he owns on NE 106 Street and Avondale Road, and would like to hook into city sewer. He said the property is across the Urban Growth Boundary, and he was told by the county that they would not connect sewer across that line and they would have to go to a septic system, but that Redmond could allow it.

Michael Johnson, 18340 NE 76 Street, commented on the Development Services User Fee Study proposing to increase user fees. He stated that cost management strategies have not been adequately employed in formulating proposed fees.

Julia Brand, 17028 NE 100 Street, Friends of Redmond Woodlands, thanked the city for negotiating with CamWest Development regarding the proposed purchase of a portion of the Perrigo Heights development to preserve it as a natural area. She said the organization has asked the developer to allow the organization to purchase the remainder of the property.

CONSENT AGENDA

Motion by Mr. Cole, second by Ms. McCormick, to approve the following items of the Consent Agenda:

- (1) approve the minutes of the regular meeting of May 3, 2005
- (2) approve the following payroll/direct deposit and claims checks:

PAYROLL/DIRECT DEPOSIT CHECKS:

#161654 through 161746; and
#137267 through 137859 \$1,195,644.24

CLAIMS CHECKS:

#305642 through 306012 \$3,419,368.74

- (3) approve award of bid for the Well No. 5 Rehabilitation, Project No. 05-OW-66, to Prospect Construction, Inc. of Pacific, Washington, for the amount bid of \$2,878,715.26 and authorize the Mayor to sign the contract. The following bids were received:

Prospect Construction, Pacific, Washington	\$2,878,715.26
Mid Mountain Contractors, Kirkland, Washington	\$3,235,181.06
Harbor Pacific Contractors, Woodinville, Washington	\$3,318,400.00
David L. Sack, Construction, Inc., Burien, Washington	\$3,463,050.69
C.A. Carey Corporation, Issaquah, Washington	\$3,520,224.00
<i>Engineer's Estimate</i>	<i>\$3,011,584.00</i>

- (4) approve the final contract amount with West Coast Construction Co. of Woodinville, Washington, for the base bid amount of \$673,879.50 plus change orders and bid item quantity increases and decreases, which resulted in a final contract amount of \$708,469.46, and accept construction of the 2004 Sidewalk Improvements, Project No. 04-CI-80/100194 as of May 17, 2005.

- (6) approve the award of bid for the 156 Avenue NE Sidewalk and Utility Conversion Improvements, Project No. 04-CI-92/100804, to Road Construction NW Inc. of Renton, WA, for the amount bid of \$250,067, and authorize the Mayor to sign the contract. The following bids were received:

Road Construction NW Inc., Renton, Washington	\$250,067.00
West Coast Construction Co., Woodinville, Washington	\$294,383.00
Dennis R. Craig Construction Co., Redmond, Washington	\$312,269.86
Westwater Construction Co. Auburn, Washington	\$386,050.00
<i>Engineer's Estimate</i>	<i>\$279,060.00</i>

- (7) authorize the Mayor to sign the contract with Brandhammer for the Tourism Promotion Program
- (8) adopt Ordinance No. 2257, amending the Redmond Municipal Code to include Section 15.24.095, relating to Wellhead Protection Zone Performance Standards, omitted through scrivener's error in Ordinance No. 2218, to read as set forth in exhibit 1 of this Ordinance, which was presented and read
- (9) adopt Ordinance No. 2258, granting to Sprint Spectrum, L.P., a Delaware Corporation, a non-exclusive franchise for five (5) years, to attach, install, operate and maintain a telecommunications system in, on, over, upon, along and across certain designated public rights-of-way of the City of Redmond, Washington, prescribing certain rights, duties, terms and conditions with respect thereto, and establishing an effective date, which was presented and read

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha,

May 17, 2005

Robinson, and Vache voted aye.
Motion carried unanimously (7 - 0).

REQUEST FOR SEWER SERVICE OUTSIDE CITY LIMITS FOR 18631 NE
106 STREET, OSA 05002

The Mayor, in a memorandum to the Council dated May 17, 2005, recommended denial of this application because the subject property is located outside the Urban Growth Boundary Line.

Councilmember Robinson asked staff to comment on recommendation for denial.

Bill Campbell, City Engineer, explained that the basis for the staff recommendation was consistent with regulations regarding connections across the Urban Growth Boundary.

James E. Haney, City Attorney, said the Growth Management Act states that once a distinction is made between urban and rural property by virtue of the Urban Growth Boundary, generally you are not supposed to extend urban services into rural areas except in cases of health/safety issues. He noted that the city's Comprehensive Plan Policy UT-3 concurs with that.

Motion by Mr. Robinson, second by Ms. McCormick, to deny the request for service outside city limits to John and Dawna Klapp, 18631 NE 106 Street, as recommended by staff.

Councilmember Vache said he would not support the recommendation to deny in an effort to protect the creek.

The Mayor pointed out that allowing the connection would create serious precedent-setting implications.

Councilmember Paine said this property seems to fall in the middle and when someone is immediately adjacent to an Urban Growth Boundary the opportunity for precedence could be limited.

Motion carried (5 - 2) with Paine and Vache voting nay.

RECESS

The Mayor declared a recess at 10:05 p.m. The regular meeting reconvened at 10:15 p.m.

The Mayor announced that Item III.B(1) - Development Services User Fee Study would be removed from the agenda tonight because of the two significant issues remaining for the Council's consideration.

PUBLIC HEARING - CRITICAL AREAS ORDINANCE UPDATE, L040378

The Mayor, in a memorandum to the Council dated May 17, 2005, advised that staff does not anticipate a significant difference in service delivery needs nor a substantial fiscal impact under the recommended amendment.

The Mayor opened the public hearing at 10:16 p.m.

Cathy Beam, Principal Environmental Planner, entered into the record a letter from the North Redmond Neighborhood Citizen Advisory Committee requesting that the Council make the Ordinance effective five days after passage and publication, which is the city's normal practice. She noted the Council's receipt of a memorandum outlining the Council's changes to the Critical Areas Ordinance from the Planning Commission's version.

Robert S. Yoder, 10019 169 Avenue NE, asked the Council to designate riparian habitat as a Habitat of Local Importance, since Redmond is a green city, with lakes, rivers and streams with fish and wildlife. He said the habitat protects against erosion and protects water quality.

Mr. Yoder showed photographs of a Class II stream buffer.

Councilmember McCormick asked with buffers and core preservation areas in place, what is significant about designating riparian habitat as a Habitat of Local Importance. Mr. Yoder answered benefits would include facilitating obtaining grants for restoration, community education, expanding awareness of our environment, and providing a marketing opportunity for developers.

Councilmember Robinson suggested that the Council consider including the term "Riparian Habitat of Local Importance" in the Definitions section of the Critical Areas Ordinance.

Richard Anderson, 11523 179 Court NE, member of the North Redmond Citizen Advisory Committee, urged the Council to pass the Ordinance and that it be enacted within five days.

Olemara Peters, 10102 161 Avenue NE, urged the Council to approve the Critical Areas Ordinance and to designate riparian habitat as Redmond's Habitat of Local Importance, and that Redmond update permitting procedures to match the Ordinance's protective standards.

Tim Attebery, 335 116 Avenue NE, Bellevue 98004, representing the Master Builder's Association of King and Snohomish Counties, asked the Council to delay voting on the Ordinance, since the state legislature recently passed a bill allowing until December 1, 2005 to pass a Critical Areas Ordinance. Delay would give the Council time to consider information he would present tonight on what other cities are doing. He said in the last months three cities have adopted Critical Areas Ordinances that have ignored what the Washington State Department of Ecology asked them to put forward, and two are looking at much smaller wetlands than Redmond is considering. He noted relevant case law that would come into play if the Ordinance is challenged and that local government is not required to adopt regulations consistent with Best Available Science, because "...such a rule would interfere with the local agency's ability to consider other goals of the Growth Management Act and adopt an appropriate balance between all Growth Management Act goals."

Ms. Beam responded to testimony:

- Mr. Yoder's proposal to have Habitats of Local Importance is an option as a symbolic gesture, similar to Species of Local Importance.
- Our stream map currently shows Class I and Class II streams. The city's Natural Resources Division is currently working on identifying streams that are Class III and IV, and staff will be coming back with an updated map in the future. At that time it might be appropriate to consider which riparian corridors should be designated.

Councilmember Cole said he would be in favor of leaving that out at this time until we have time to work through the entire process.

James E. Haney, City Attorney, commented regarding the WEAN (Whidbey Environmental Action Network) case, where the court said it was not necessary to be entirely consistent with Best Available Science; however, when doing so, you would need to make findings as to why you were deviating from Best Available Science.

Hearing no further testimony, the Mayor declared the public hearing closed at 10:58 p.m.

Motion by Mr. Resha, second by Mr. Cole, to adopt Ordinance No. 2259, and the accompanying Resolution No. 1203, modifying the Development Review Permit Fees.

The Council engaged in discussion in general support of the Ordinance.

Motion by Mr. Robinson to amend the Critical Areas Ordinance on the wetland buffers to retain the existing buffers. The motion died for lack of a second.

Councilmember Robinson commented that the only flaw in the public process was the lack of a field trip by the Council or the Planning Commission.

Ordinance No. 2259, adopting Findings of Fact, amending the Natural Environment Element of the Redmond Comprehensive Plan in order to update the city's goals and policies relating to critical areas, adding and amending various definitions in Chapter 20A.20 of the Redmond Community Development Guide relating to critical areas, amending Chapter 20D.140 of the Redmond Community Development Guide in order to update the city's critical areas regulations and incorporate the Best Available Science, providing for severability and establishing an effective date, was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, Robinson, and Vache voted aye. Motion carried unanimously (7 - 0).

CONTINUE MEETING PAST 11:00 P.M.

Motion by Mr. Cole, second by Ms. McCormick, to extend the meeting past 11:00 p.m. Motion carried (5 - 2) with Marchione and Robinson voting nay.

PUBLIC HEARING - CRITICAL AREAS ORDINANCE UPDATE, L040378 (continued)

Motion by Mr. Vache, second by Ms. McCormick, to approve Resolution No. 1203, modifying the Development Review Permit Fees.

Resolution No. 1203, amending the Planning Department user fee schedule adopted by Resolution 1189; deleting

the fee for "Public Project - Alteration of Wildlife Habitat" in order to reflect the deletion of this permit type by the Critical Areas Ordinance Update; modifying the fee for "Sensitive Areas Ordinance Exception Streets/Utilities" in order to reflect the change of the permit associated with such fee from a Type V permit to a Type II permit; creating a new permit fee for the new permit, "Critical Areas Ordinance Reasonable Use - Public Project," created by the Critical Areas Ordinance Update; providing that all such fees shall be subject to a technology surcharge and to periodic increases as provided in Ordinance 2090, Resolution 1162, and Resolution 1189; and establishing an effective date, was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, Robinson and Vache voted aye. Motion carried unanimously (7 - 0).

PUBLIC HEARING - MICROSOFT DEVELOPMENT AGREEMENT (QUASI-JUDICIAL) (CONTINUED FROM MAY 3, 2005)

The Mayor, in a memorandum to the Council dated May 17, 2005, advised that the proposed development agreement will govern the development, use and mitigation of environmental impacts associated with the development of Microsoft's Corporate Campus over the next 20 years, and recommended approval of the agreement.

Rob Odle, Policy/Comprehensive Planning Manager, gave a brief overview of the development agreement.

Staff responded to various questions regarding the development agreement.

The Mayor opened the public hearing at 11:24 p.m.

Mr. Odle said that in deference to what the city worked out with the City of Bellevue he would like to make sure there were no final objections to the wording of the appeal.

The Council concurred with the wording agreed to with the City of Bellevue.

Hearing no testimony, the Mayor declared the public hearing closed at 11:25 p.m.

Motion by Mr. Marchione, second by Mr. Vache, to approve Resolution No. 1204, adopting the modified

development agreement, and direct the Mayor to sign the development agreement.

Councilmember Robinson expressed concerns about interpretation of language in the agreement and how it could potentially bind the city over the next twenty years.

Motion by Mr. Robinson, second by Mr. Cole, to amend Attachment C, Page 6, Section 9(iii) to add, "Study results and recommendations will be approved by the Redmond City Council." Motion failed (1 - 6) with Cole, Marchione, McCormick, Paine, Resha, and Vache voting nay.

Resolution No. 1204, approving a Development Agreement for the Microsoft Campus located in Redmond was presented and read.

Upon a poll of the Council, Cole, Marchione, McCormick, Paine, Resha, and Vache voted aye. Motion carried (6 - 1) with Robinson voting nay.

OMBUDSMAN REPORT

Councilmember Paine was contacted by an individual having difficulty obtaining permits. He said a meeting has been scheduled with staff to resolve the issue.

Councilmember Cole reported on previous ombudsman issues regarding the 160 Avenue NE Extension, 172 Avenue NE, Critical Areas Ordinance, King County Executive's proposal regarding Burlington Northern right-of-way, Redmond Cemetery, sewer smell on the City's line to the Urban Planned Developments (UPDs).

Councilmember McCormick had a call about woodpeckers leaving holes on the siding of a house in Meadow Park.

EXECUTIVE SESSION AND ADJOURNMENT

At 12:10 a.m. the Council held an executive session on land acquisition. There being no further business to come before the Council, the Mayor declared the meeting adjourned at 12:55 a.m.

MAYOR

CITY CLERK